

ATTORNEY'S DOCKET S-2418

DATE: December 7, 2000

IN RE THE APPLICATION OF: Yoshihide HAGIWARA

SERIAL NO.: 08/950,902

FILED: October 15, 1997



GROUP: 1761

EXAMINER: C. SHERRE

TITLE: PROCESS FOR PRODUCTION OF ALCOHOLIC COFFEE DRINKS

THE COMMISSIONER OF PATENTS AND TRADEMARKS
WASHINGTON, D.C. 20231
SIR:

TRANSMITTED HERewith IS AN ☒ AMENDMENT & REPLY, ☐ AMENDMENT AFTER FINAL REJECTION IN THE ABOVE-IDENTIFIED APPLICATION.

☐ SMALL ENTITY STATUS OF THIS APPLICATION UNDER 37 CFR 1.9 AND 1.27 HAS BEEN ESTABLISHED BY A VERIFIED STATEMENT PREVIOUSLY SUBMITTED.

☐ A VERIFIED STATEMENT TO ESTABLISH SMALL ENTITY STATUS UNDER 37 CFR 1.9 AND 1.27 IS ENCLOSED.

THE FEE HAS BEEN CALCULATED AS SHOWN BELOW:

| CLAIMS | REMAINING AFTER AMENDMENT | | HIGH # PREV. PAID FOR | PRESENT EXTRA | SMALL ENTITY RATE ADD'L FEE | | OTHER THAN A SMALL ENTITY RATE ADD'L FEE |
|--------------------------------------------------------------------------|---------------------------|-------|-----------------------|---------------|-----------------------------|----|------------------------------------------|
| TOTAL CLAIMS | 12 | MINUS | 20 | = 0 | X 9= \$ | or | X 18= \$ |
| INDEP. CLAIMS | 1 | MINUS | 3 | = 0 | X 40= \$ | or | X 80= \$ |
| <input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIMS | | | | | +135= \$ | or | +270= \$ |
| | | | | | TOTAL ADD'L FEE | | |

☒ PETITION UNDER 37 CFR 1.136 (a) FOR ONE ☐, TWO ☒, THREE ☐, FOUR ☐ MONTHS WITH PETITION FEE UNDER 37 CFR 1.17 (a) ☐, 1.17 (b) ☐, 1.17 (c) ☐, IS REQUESTED. \$ 390.00 IS ENCLOSED FOR THIS PURPOSE.

☐ PLEASE CHARGE MY DEPOSIT ACCOUNT NO. 19-1980 IN THE AMOUNT OF \$ _____. A DUPLICATE COPY OF THIS SHEET IS ATTACHED.

☒ A CHECK IN THE AMOUNT OF \$ 390.00 IS ATTACHED.

☒ PLEASE CHARGE ANY ADDITIONAL FEES OR CREDIT OVERPAYMENTS REGARDING THIS COMMUNICATION TO DEPOSIT ACCOUNT NO. 19-1980. A DUPLICATE COPY OF THIS SHEET IS ENCLOSED.

☐ NO ADDITIONAL FEE IS REQUIRED.

Richard A. Steinberg
ATTORNEY FOR APPLICANTS
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Reg. No. 26,588

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S-2418

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:

Yoshihide HAGIWARA

Serial No. 08/950,902

Filed: October 15, 1997

For: PROCESS FOR PRODUCTION OF ALCOHOLIC COFFEE DRINKS

The Honorable Commissioner of
Patents and Trademarks
Washington, D.C. 20231

Group: 1761

Examiner: C. SHERRER

December 7, 2000



15/11/00
12/19/00
W/Ref
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AMENDMENT AND REPLY

Sir:

This is in reply to the Office Action, Paper No. 14, mailed July 13, 2000, a response being due on or before the two month extended due date of December 13, 2000.

The petition fee, 37 CFR 1.17(b), for a small entity, is enclosed.

REMARKS

Reconsideration of the subject application is respectfully requested for the reasons set forth below.

Claims 1-4 and 8-15 remain pending. Claims 8 and 9 are rejected as anticipated by Papazian; claims 1-4, 8-10, and 12-16, are rejected as unpatentably obvious over Papazian in view of Rizzi et al; and claim 11 is rejected as unpatentable over Papazian in view of Rizzi et al and further in view of Suzuki (US 3,845,220), all for the reasons of record.

Applicant respectfully submits that in repeating these rejections, and as evident from the **Response to Arguments** on pages 3-6, the Examiner has overlooked fundamental differences between the claimed invention (a process for producing a wine drink and a wine drink, exhibiting a coffee-flavor), and the primary prior art references, especially, Papazian.

Specifically, the drinks described in Papazian are beer beverages. By definition, a beer is a fermented malt beverage flavored with hops see, e.g., Webster's New Collegiate Dictionary, (1980), page 99: "1: a malted and hopped somewhat bitter alcoholic beverage; *specif*: such a beverage brewed by slow fermentation";